



Appeal Decision

Site visit made on 16 March 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/A1910/D/22/3297951

Felden Orchard, Bulstrode Lane, Felden, HEMEL HEMPSTEAD HP3 0BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Inspire Creations Ltd against the decision of Dacorum Borough Council.
 - The application Ref 21/04643/FHA, dated 14 December 2021, was refused by notice dated 15 February 2022.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension at Felden Orchard, Bulstrode Lane, Felden, HEMEL HEMPSTEAD HP3 0BP in accordance with the terms of the application, Ref 21/04643/FHA, dated 14 December 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: D2116/11A – site plan; D2116/6A – proposed ground floor; D2116/7A – proposed first floor; D2116/8A – proposed north and east elevations; D2116/9A – proposed south and west elevations; and D2116/10A – proposed sections.

Preliminary Matters

2. The Appellant has requested that an amended set of plans be used rather than those refused by the Council. These show a smaller version of the proposal, with a reduced width and height. It is undisputed between main parties that the smaller scheme would result in an increase in the volume of the original dwelling by 24.8%. The Council chose not to accept the amended plans as these would not alter its opinion of the proposal. Nevertheless, as the revised version is smaller, I see no reason why the amended plans should not be accepted and doing so would not cause prejudice to any party.

Main Issues

3. The main issues are whether the proposed extension would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and any relevant development plan policies, the effect on the openness of the Green Belt, and if the proposal would be inappropriate development, whether any harm is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

4. The appeal site is within the Green Belt. Paragraph 149, of the Framework, establishes that buildings in the Green Belt would be inappropriate unless they would meet a listed exception. Paragraph 149(c) explains that the extension or alteration of a building would not be inappropriate provided that it would not result in a disproportionate addition over and above the size of the original dwelling.
5. Policy CS5, of the Dacorum Borough Council Core Strategy 2013 (CS), states that for development in the Green Belt the Council will apply national Green Belt policy. The policy also explains that small-scale development will be permitted in certain circumstances. This includes at (c) for limited extensions to existing buildings. The Council has not defined 'limited extensions'. However, saved policy 22 of the Dacorum Borough Local Plan 2004 (LP) supports such proposed extensions that increase the size of a dwelling by up to 30%. This provides useful, albeit dated, guidance as to the proportion of extension found to be appropriate by the Council. Nonetheless, this policy does not fully align with the Framework and is therefore afforded moderate weight only. As such, considerations of proportionality are principally matters of planning judgement.
6. The dwelling is a large three storey property that stands within spacious grounds in a rural setting. The plot is enclosed by substantial tree and hedge screening around the perimeter, with additional on plot planting contributing to the site's secluded and verdant setting. Aside from the dwelling itself, the appeal site accommodates a range of outbuildings. These are largely clustered around a courtyard area to the east of the dwelling and stand apart from the dwelling. Due to their separation from the dwelling these do not affect its size. Therefore, whilst noting that the proposal would be set away from the main cluster of outbuildings, this context is not a test that should be applied in consideration of the proportionality of the proposal.
7. The proposed single storey extension would seem to be the first extension added to the dwelling. It would be recessed from the projecting frontage and would be narrower than the width of the dwelling. Due to its low-profile roof, and relatively modest size, the proposal would be a subservient and discreet addition. It would therefore be a limited extension that would not be disproportionate to the size of the original dwelling.
8. Consequently, the proposal would comply with paragraph 149(c) of the Framework and would not amount to inappropriate development in the Green Belt. Accordingly, the proposal would accord with CS policy CS5 for the above reasons.

9. By virtue of being not inappropriate development, the proposal would not be regarded as being harmful to the openness of the Green Belt nor would it require to be justified by very special circumstances.
10. It is necessary to apply conditions, in connection with a commencement period and list the approved plans, for clarity and to accord with the Planning Practice Guidance. It is also necessary for a condition to be imposed that would require materials to match the main dwelling in the interests of the character and appearance of the area.
11. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Ben Plenty

INSPECTOR